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THE HON'BLE SRI JUSTICE P.S. NARAYAN

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W.P.No.3884 of 2006

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Dated 13th June 2006

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Between:

B. Veerababu

…Petitioner

And:

Zilla Parishad, Guntur, rep.by it's Chief Executive officer,

And 2 others

… Respondents

THE HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.3884 of 2006

ORDER:

The writ petitioner filed the present writ petition praying for issuance of writ or order or direction more particularly one in nature of writ of mandamus declaring the action of the respondents in going ahead with the auction for Bobbarlanka ferry point pursuant to auction notice published on 21.02.2006 in
RC 661/2006, H4, without granting lease to the petitioner for the year 2006-07 for the same ferry point, as illegal and consequently direct the respondents to grant lease for the year 2006-07 for Bobbarlanka ferry point at the rates fixed for the last year and pass such other suitable orders.

2. W.V.M.P.No.771 of 2006 is filed to vacate interim order passed in W.P.M.P.No.4841 of 2006 in W.P.No.3884 of 2006 dated 28.02.2006.

3. It is stated in the affidavit filed in support of the writ petition that the 1st respondent herein conducted auction in the month of March 2005 to lease out the rights to run ferry/boat service across the River Krishna between Bobbarlanka and Nagayalanka. The petitioner also had stated that certain relatives and well-wishers assisted him financially and thus he got the leasehold rights for 2005-06. It is further stated that the auction notice was given on 26.02.2004 and auction was conducted in the 1st week and 3rd week of March and final proceedings were issued on 12.04.2005. With the help of two persons, the writ petitioner had been running the boat service between Bobbarlanka and Nagayalanka. For the last 5 to 6 years, there is no flood waters in the Krishna river and that auction had put bid at the higher rates because of the impression that throughout the year Krishna river would be conducive for running the boat service. The writ petitioner had also narrated several other details. It is also stated that earlier the writ petitioner filed W.P.No.2775 of 2006 to direct the respondents to consider his representation for extension of lease for the year 2005-06 and accordingly this court directed the respondents to dispose of the representation of the writ petitioner.

4. It is stated in the counter-affidavit that the representation of the writ petitioner dated 12.01.2005 was considered and disposed of saying that the rules do not permit for extension of existing lease and also in view of the fact that the request of the writ petitioner is not genuine and deserves no consideration. The said orders were communicated to the petitioner on 02.02.2006. Hence specific stand was taken by the 1st respondent that the representation was in fact considered. Several other facts had been narrated and it was also stated that the ferry rights were put into

public auction on 2.3.2006 and one Murali Mohan was declared as the highest bidder and he was brought on record in the present writ petition as proposed party. However, it is stated that in the light of the interim direction granted by this court, the bid could not be confirmed and the ferry was not handed over to the highest bidder. Even if the averments made in the affidavit filed in support of the writ petition, *prima-facie* taken to be true, after expiry of the lease period, the petitioner at best may participate in the auction, but he has no enforceable legal right, as such, to file a writ petition claiming for such relief. Specific stand had been taken by the 1st respondent in the counter-affidavit that the representation of the petitioner had been considered in pursuance of the directions of this court and hence, the writ petitioner cannot make any grievance whatsoever in this regard. Inasmuch as the public auction was conducted and the successful bidder also had been declared, it would not be just and proper to stop the confirmation of the bid. Inasmuch as there is no legally enforceable right in favour of the writ petitioner, the writ petition is devoid of merits and accordingly, the same shall stand dismissed. There is no need to say that the interim order passed by this court on 28.02.2006 is hereby vacated.

5. Accordingly, the writ petition is dismissed. No order as to costs.

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P.S.NARAYANA, J.

Dt.13.06.2006

BSS